

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS - WESTERN DIVISION**

| | | |
|---|---|--|
| In re: |) | |
| JACALYN S. NOSEK, Debtor |) | Chapter 13 Case No. 02-46025-JBR |
| JACALYN S. NOSEK, Plaintiff |) | Adv. Pro. Nos. 04-4517 and 07-4109 |
| v. |) | |
| AMERIQUEST MORTGAGE COMPANY, <i>et al</i> , Defendants |) | |

**APPENDIX OF EXHIBITS TO AMERIQUEST MORTGAGE
COMPANY'S RESPONSE TO ORDER TO SHOW CAUSE**

Ameriquest Mortgage Company ("Ameriquest") submits this Appendix of Exhibits referenced in Ameriquest's Response to the Court's January 25, 2008 Order to Show Cause. Many of the Exhibits are docket entries in the Debtor's Chapter 13 case and Adversary Proceedings, and are also referenced by the docket entry numbers. Several Exhibits are docket entries from the Debtor's prior Chapter 13 cases in this Court, as to which the Court can take judicial notice under Fed. R. Evid. 201. The Mortgage, Assignment and Land Court foreclosure Complaint are instruments recorded in the Massachusetts land records in the Worcester South Registry of Deeds, and the recording references are included and the Court can take judicial notice of the Registry records, "sources whose accuracy cannot reasonably be questioned." *Id.*

- Exhibit 1 The Mortgage, dated as of November 25, 1997, in the principal amount of \$90,000.00, Loan No. 0004219515, by Jaclyn S. Nosek (“Nosek” or “Debtor”) in favor of Ameriquest Mortgage Company (“Ameriquest”), recorded in the Worcester South Registry of Deeds on December 3, 1997 in Book 19404, at Page 164, a true and correct copy of which is attached hereto as “Exhibit 1”.
- Exhibit 2 The Adjustable Rate Note, dated as of November 25, 1997, in the principal amount of \$90,000.00 by Debtor in favor of Ameriquest, a true and correct copy of which is attached hereto as “Exhibit 2”.
- Exhibit 3 The Assignment of Mortgage from Ameriquest to Norwest Bank Minnesota, N.A. (“Norwest”) as Trustee of the AMRESKO Residential Securities Corporation Mortgage Loan Trust 1998-2 (“AMRESKO Trust”), with respect to Ameriquest’s loan to Nosek, which was recorded with the Worcester South Registry of Deeds on May 22, 2000 in Book 22605, at Page 162, a true and correct copy of which is attached hereto as “Exhibit 3”.
- Exhibit 4 The Joint Notification Letter Notice of Assignment, Sale or Transfer of Servicing Rights, effective March 31, 2005, addressed to the Debtor, a true and correct copy of which is attached hereto as “Exhibit 4”.
- Exhibit 5 The Transfer of Claim Other Than For Security from Ameriquest to Citi Residential Lending, Inc., as a loan servicer for the secured creditor Wells Fargo Bank Minnesota, NA, successor by merger to Norwest as Trustee of the AMRESKO Trust, entered on January 28, 2008 in Case No. 02-46025-JBR

(Docket No. 176), a true and correct copy of which is attached hereto as “Exhibit 5”.

Exhibit 6 The Cover Page, Table of Contents and Article XIII (titled Servicing and Administration of Mortgage Loans) of the Pooling and Servicing Agreement Relating to the AMRESKO Trust, among AMRESKO Residential Securities Corporation, as Depositor, AMRESKO Residential Capital Markets, Inc. as Seller and Master Servicer, Advanta Mortgage Corp., USA, Ameriquest, and Wendover Financial Services Corporation, as Servicers and Norwest as Trustee, dated as of June 1, 1998 (“Servicing Agreement”), which is attached as “Exhibit A” to the Declaration of Eileen Driscoll Rubens in Support of Response of Ameriquest to Order to Show Cause, filed on February 15, 2008 in Case No. 02-46025-JBR, a true and correct copy of which excerpt is attached hereto as “Exhibit 6”.

Exhibit 7 The Debtor’s Schedules A-J, entered on November 11, 2002 in Case No. 02-46025-JBR (Docket No. 8), a true and correct copy of which is attached hereto as “Exhibit 7”.

Exhibit 8 The Complaint by the Debtor, entered on December 2, 2004 in Adv. Pro. No. 04-04517 (Docket No. 1), a true and correct copy of which is attached hereto as “Exhibit 8”.

Exhibit 9 The Declaration of Eileen Driscoll Rubens in Support of Opposition to Emergency Motion for Approval of Attachment on Trustee Process filed by Ameriquest, entered on September 27, 2007 in Adv. Pro. No. 07-04109 (Docket No. 21), a true and correct copy of which is attached hereto as “Exhibit 9”.

- Exhibit 10 The Transcript of Telephonic Hearing on September 28, 2007 on: (#7) Plaintiff's Emergency Motion for Approval of Attachment on Trustee Process; (#20) Opposition of Defendant; (#10) Plaintiff's Emergency Motion for Successive Service of Trustee Summons; (#20) Opposition of Defendant before the Honorable Joel B. Rosenthal, Jr., J. U.S.B.C., in Adv. Pro. No. 07-04109 (Docket No. 90), a true and correct copy of which is attached hereto as "Exhibit 10".
- Exhibit 11 The Transcript of Hearing Held on November 28, 2007 re: (#33) Motion to Amend Complaint filed by Plaintiff Jacalyn S. Nosek, (#35) Cross-Motion to Dismiss Complaint filed by Defendant Ameriquet Mortgage Company, (#34) Motion to Extend Pre-Trial Order Deadlines filed by Plaintiff Jacalyn S. Nosek, in Adv. Pro. No. 07-04109 (Docket No. 63), a true and correct copy of which is attached hereto as "Exhibit 11".
- Exhibit 12 The Land Court Complaint, Case No. 270739, filed by Norwest as Trustee of the AMRESO Trust against the Debtor, a copy of which was recorded with the Worcester South Registry of Deeds on April 18, 2001 in Book 23858, at Page 263, a true and correct copy of which is attached hereto as "Exhibit 12".
- Exhibit 13 The Notice of Intention to Foreclose Mortgage and of Deficiency After Foreclosure of Mortgage, dated January 31, 2002, mailed by Ablitt, Caruolo & De Pasquale, LLP on behalf of Norwest as Trustee of the AMRESO Trust to the Debtor by Certified Mail, along with Domestic Return Receipt signed by Debtor on February 11, 2002, a true and correct copy of which is attached hereto as "Exhibit 13".

- Exhibit 14 The following letters (i) dated March 1, 2002, mailed by Ablitt, Caruolo & De Pasquale, LLP on behalf of Norwest as Trustee of the AMRESKO Trust to the Debtor, care of Steven A. Kressler, Esq., by Certified Mail along with Domestic Return Receipt signed for on March 5, 2002, and (ii) dated June 5, 2002, mailed by Ablitt, Caruolo & De Pasquale, LLP on behalf of Norwest as Trustee of the AMRESKO Trust to the Debtor by Certified Mail along with Domestic Return Receipt signed for by the Debtor on June 20, 2002, true and correct copies of which are attached hereto as “Exhibit 14” .
- Exhibit 15 The Motion by Norwest as Trustee for Relief from Stay (60 Bolton Rd., South Lancaster, MA), entered May 28, 2002 in Case No. 02-41217-JBR (Docket No. 16), a true and correct copy of which is attached hereto as “Exhibit 15”.
- Exhibit 16 The Legal Notice of Foreclosure, dated May 8, 2001, and published in *The Item*, a true and correct copy of which is attached hereto as “Exhibit 16”.
- Exhibit 17 The Notice of Appearance filed by Ablitt, Caruolo & De Pasquale, LLP on behalf of Norwest as Trustee, entered May 28, 2002 in Case No. 02-41217-JBR (Docket No. 15), a true and correct copy of which is attached hereto as “Exhibit 17”.
- Exhibit 18 The Opposition by Debtor to Motion for Relief from Stay by Norwest as Trustee of the AMRESKO Trust, entered June 5, 2002 in Case No. 02-41217-JBR (Docket No. 20), a true and correct copy of which is attached hereto as “Exhibit 18”.

- Exhibit 19 The Motion by the Debtor to Substitute Matrix, entered November 5, 2002 in Case No. 02-46025-JBR (Docket No. 11), a true and correct copy of which is attached hereto as “Exhibit 19”.
- Exhibit 20 The Court’s Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors and Deadlines, entered November 12, 2002 in Case No. 02-46025-JBR (Docket No. 12), a true and correct copy of which is attached hereto as “Exhibit 20”.
- Exhibit 21 The Chapter 13 Plan with Certificate of Service filed by the Debtor, entered November 1, 2002 in Case No. 02-46025-JBR (Docket No. 10), a true and correct copy of which is attached hereto as “Exhibit 21”.
- Exhibit 22 The Statement of Financial Affairs of the Debtor, entered on November 1, 2002 in Case No. 02-46025-JBR (Docket No. 9), a true and correct copy of which is attached hereto as “Exhibit 22”.
- Exhibit 23 The Proof of Claim No. 1 and No. 16 filed by Ameriquist on November 1, 2002 and April 22, 2003, respectively, in Case No. 02-46025-JBR, true and correct copies of which are attached hereto as “Exhibit 23”.
- Exhibit 24 The Motion by Ameriquist for Relief from Automatic Stay (60 Bolton Rd., South Lancaster, MA), entered February 26, 2003 in Case No 02-46025-JBR (Docket No. 29), a true and correct copy of which is attached hereto as “Exhibit 24”.
- Exhibit 25 The Opposition by the Debtor to the Motion for Relief from Automatic Stay (60 Bolton Rd., South Lancaster, MA) filed by Ameriquist, entered March 5, 2003 in

Case No. 02-46025-JBR (Docket No. 31), a true and correct copy of which is attached hereto as “Exhibit 25”.

Exhibit 26 The cover page and pages 149 and 150 of the May 4, 2005 deposition transcript of Judy Johnston of Ameriquest (*See* Adv. Pro. No. 04-04517, Docket. No. 30, Doc. 10, Exhibit 10, p. 149, 11.2-24; p. 150, 11.1-4), a true and correct copy of which is attached hereto as “Exhibit 26”.

Exhibit 27 Page 1 of Exhibit 15 (consisting of “LenStar Notes”) (*See* Adv. Pro. No. 04-04517, Docket. No. 30, Doc. 10, Exhibit 15, p. 1, entry at 5/24/2005 at 4:49:33 PM), referenced by the Debtor in paragraph 66 of her Memorandum in Support of the Debtor’s Motion for Partial Summary Judgment (Docket No. 29), a true and correct copy of which is attached hereto as “Exhibit 27”.

Exhibit 28 The Joint Pre-Trial Statement filed by Ameriquest and the Debtor, entered September 19, 2005 in Adv. Pro. No. 04-04517, Docket No. 31), a true and correct copy of which is attached hereto as “Exhibit 28”.

Exhibit 29 A letter from Jeffrey K. Garfinkle to John L. Teston, dated February 4, 2008, regarding the Order to Show Cause and hearing thereon, a true and correct copy of which is attached hereto as “Exhibit 29”.

Dated: February 15, 2008

Respectfully submitted,

AMERIQUEST MORTGAGE COMPANY

/s/ Daniel M. Glosband

Daniel M. Glosband (SBN 195620)

Richard A. Oetheimer (SBN 377665)

Jonathan P. Olsson (SBN 660521)

GOODWIN PROCTER LLP

Exchange Place

Boston, MA 02109

Ph: 617-570-1000

Fax: 617-523-1321

dglosband@goodwinprocter.com

roetheimer@goodwinprocter.com

jolsson@goodwinprocter.com